



# *NEWS RELEASE*

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## **New Laws for California Consumers**

California consumers will enjoy even greater protection as a result of new laws that become effective Jan. 1, 2005.

The new consumer laws prohibit persons under 14 years of age from using tanning devices in salons, tanning parlors, spas and similar settings; extend the exemption from Smog Check inspections on new vehicles from four to six model years; restrict the use of electronic surveillance technology by rental car companies to track and locate rental car customers; and require video game retailers to post signs regarding the availability of a video game rating system and make brochures available explaining the system.

Tenant rights are increased by a measure prohibiting landlords from requiring cash as the only form of payment for rents or security deposits. Consumers will also benefit from a measure requiring cellular phone service companies to get permission from subscribers before including their names and phone numbers in a directory.

Listed below are the new consumer protection laws for 2005. Unless otherwise noted, the new laws go into effect Jan. 1, 2005.

- **Payments – SB 115** (Torlakson, D-Antioch) – This law prohibits landlords from requiring cash as the only form of payment from tenants to satisfy their obligations for rents or security deposits. The landlord may, however, demand or require cash as the exclusive form of payment, only for a period not exceeding three months, following an attempt to pay with a check on insufficient funds or following a tenant's instruction to stop payment.

- **Residential Hotels – AB 2867** (Nunez, D-Los Angeles) – Discourages the practice known as the “28-day shuffle” that sometimes occurs in residential hotels. This measure states that no person may require an occupant of a residential hotel to move, or to check out and reregister, before the expiration of 30 days occupancy, for the purpose of avoiding several tenant protections.
- **Medical Information – SB 1633** (Figueroa, D-Sunol) – This measure prohibits any business from trying to obtain medical information directly from an individual for direct marketing purposes without clearly and conspicuously disclosing how it will use and share that information, and without obtaining the consumer’s consent. The measure exempts businesses that are already subject to the Confidentiality of Medical Information Act, certain telephone corporations, and insurance institutions, agents, and support organizations, from provisions of the measure.
- **Personal Information – AB 1950** (Wiggins, D-Santa Rosa) – Requires businesses, other than specified entities, that own or license personal information about a California resident to implement and maintain reasonable security procedures and practices to protect the information from unauthorized access, destruction, use, modification, or disclosure.
- **Selling or Licensing Lists of Subscribers – AB 1733** (Reyes, D-Fresno) – This law requires cellular phone service providers to obtain express consent from the subscriber before providing the subscriber’s name and phone number for inclusion in a directory.
- **Vehicle Rental Agreements: Electronic Surveillance Technology – AB 2840** (Corbett, D-San Leandro) – This law prohibits a rental company that uses electronic surveillance technology in its rental vehicles from using, accessing, or obtaining information relating to the renter’s use of the rental vehicle that was obtained using that technology.

- **Computer Spyware – SB 1436** (Murray, D-Los Angeles) – Establishes the Consumer Protection Against Spyware Act, which prohibits an unauthorized person or entity from knowingly or willfully installing software on a consumer's computer that would take over control of the computer, modify certain security settings, deceptively collect certain personally identifiable information, interfere with removal of certain software, or otherwise deceive the authorized user, as specified.
- **Prices: Overcharges – AB 1721** (Koretz, D-West Hollywood) – Prohibits any person or store from charging an amount greater than the lowest price posted for a product, even if there is an expiration date posted for that product. This law clarifies that expired sale signs that are not removed must be honored by the merchant. It also clarifies the language of the law to cover scanner overcharges.
- **Smog Check Exemption – SB 1107** – (Committee on Budget and Fiscal Review) This law exempts motor vehicles up to six model-years old from Smog Check provisions. It also increases the annual smog abatement fee imposed on motor vehicles exempt from the Smog Check requirements from \$6 to \$12.
- **Air Pollution: Smog Check – AB 2683** (Lieber, D-Mountain View) – This measure, **which goes into effect April 1, 2005**, repeals the rolling Smog Check exemption for motor vehicles 30 years and older. 1975 model-year and older motor vehicles are permanently exempt from emissions testing, while newer model-year motor vehicles remain subject to the biennial (every other year) compliance requirement of the vehicle inspection and maintenance (Smog Check) program.

- **Tanning Facilities – AB 2193** (Nation, D-San Rafael) – AB 2193 prohibits persons under 14 years of age from using tanning devices in salons, tanning parlors, and spas. Existing law requires a tanning facility to provide a written warning to customers and post signs warning that tanning beds and sun lamps emit ultraviolet radiation that is similar and sometimes more powerful than the UV radiation emitted by the sun. This measure would make a tanning facility that violates this provision of the law liable for a civil penalty not to exceed \$2,500 a day.
- **Video Games: Ratings – AB 1793** (Yee, D-San Francisco) – This law requires video game retailers to post signs regarding a video game rating system to aid in the selection of games and to make available, upon request, information explaining the system.
- **Hotel and Motel Rates: Natural Disasters – SB 1363** (Ducheny, D-San Diego) – This measure protects consumers from excessive and unjustified increases in the price of consumer goods and services. It prohibits the owner or operator of a hotel or motel from increasing regular advertised rates by more than 10 percent for 30 days following the declaration of a state or local emergency resulting from an earthquake, flood, fire, riot, storm, or other natural disaster, unless the owner or operator can justify the change in rates as specified.

The California Department of Consumer Affairs licenses and regulates 2.3 million professionals in more than 230 different professions. Our mission is to promote and protect the interests of California Consumers. For more information, contact the Department at (800) 952-5210 or visit us online at [www.dca.ca.gov](http://www.dca.ca.gov).

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